

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA CIVIL NO.: 98-273(PG) Plaintiff v. JORGE LUIS LUGO PAGAN Defendant
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MOTION TO CLARIFY JUDGMENT

TO THE HONORABLE COURT:

COMES NOW defendant, by and through the undersigned counsel, and very respectfully prays and states as follows:

1. Defendant was sentenced on March 8, 2002, pursuant to a plea and cooperation agreement entered with the government in the year 1999.
2. Prior to sentencing in the above captioned matter, defendant had already been sentenced in local court, in the year 1999, for a string of cases dealing with the stolen vehicles, attempted murder, murder in the second degree and weapons law cases, conduct incurred by defendants and others during the period of time the events of this case occurred.
3. The facts of the case to which defendant pled guilty before the local court, and which he was sentenced in 1999, stem from the same course of conduct for which he was sentenced in the above captioned

case, which is the carjacking of a motor vehicle resulting in serious bodily injury to the victims. The list of cases to which defendant was held to answer in state court is attached as Exhibit 1. They were filed after he had been arrested by the authorities in this case on March 9, 1999, and he remained in custody since.

4. The judgment in this case is silent as to whether the sentence imposed in this case is to run concurrent to the state sentence. Exhibit 2.
5. Defendant has been informed, than upon serving the shorter sentence, he will have to serve in full the term imposed by the state court, because the judgment in this case is silent as to concurrency.
6. Defendant, acting pro se, attempted to have his state sentence pronounced concurrent to the judgment imposed in this case, and the local Court accurately expressed that since the judgment in this case was imposed after the local sentence, it was this Court who had the authority to make such determination. Exhibit 3.
7. Defendant cooperated with the authorities, and such cooperation has been rewarded in the sense that he is serving a much shorter sentence than the one he would have otherwise been exposed to in the indictment. However, his sentence in the local court, with the same

cooperation amounts to 22 years of imprisonment, which yet leaves a substantial time to be served.

8. The interest of justice would call for the clarification of the sentence imposed in this case, since the conduct involved is part and parcel of the facts of this case.
9. We are hereby requesting that this Honorable Court clarify the judgment imposed in this case, so that it will reflect that it is to run concurrent with his state judgment.

IN VIEW OF THE FOREGOING, we hereby request this motion be granted and that we be allowed to appear on behalf of defendant.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY, that on this date, March 1, 2005, I have filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

AUSA Carlos Martínez, carlos.martinez@usdoj.gov

In San Juan, Puerto Rico, on March 1, 2005.

S/ Marlene Aponte Cabrera
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